

**IN THE HIGH COURT OF UTTARAKHAND  
AT NAINITAL**

**Writ Petition No. 6965 (S/S) of 2001  
(Old No. 8499 of 1993)**

1. Man Mohan Singh Rawat S/o Late Sri Bhopal Singh Rawat, Senior Clerk, Chakrata Forest Division, Kalsi, District- Dehradun
  2. Smt. Kamaljit Kaur W/o Rajendra Singh, Senior Clerk, Monsoori Forest Division, Mussori, District Dehradun
  3. Jodh Singh Rawat S/o Alam Singh Rawat, Senior Clerk, Chakrata Forest Division, Kalsi, District- Dehradun
  4. Sachendra Singh Gosain, S/o Sunder Singh Gosain, Senior Clerk, Mussorie Forest Division, Mussorie, District- Dehradun
- Petitioners

Versus

1. The State of U.P.
2. The Conservator of Forest, Yamuna Circle, Uttar Pradesh, Dehradun
3. Km. Mala, Junior Clerk, C/o Guru Dhara Road, Karanpur, Dehradun
4. Km. Neeta, C/o 192, Karanpur, Dehradun
5. Smt. Prem Dogra, Junior Clerk, C/o 159 Lonia Mohalla, Dehradun
6. Sri Jot Singh Chauhan, C/o Gram Dua Kot Patti Dhara, Alearia, P.O. Gaza, Tehri Garhwal

----- Respondents

**Hon'ble M.M. Ghildiyal, J.**

Heard Sri R.C. Arya, learned counsel for the petitioners and Sri Paresh Tripathi, learned Standing Counsel State of Uttarakhand for the respondent nos. 1 and 2.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of certiorari quashing the order dated 6.3.1993 passed by respondent no. 2 (Annexure I).

2. Issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in the working of the petitioners as Senior Clerks and to make payment of their salary on the aforesaid post.
3. Issue any other suitable writ, order or direction, which this Court may deem just and proper.
4. To award costs of this writ petition to the petitioners.

The main relief sought by the petitioners by means of this petition is to quash the order dated 06.03.1993 passed by respondent no. 2 by which respondent no. 2 has reverted back the petitioners from the post of Senior Clerk to Junior Clerk in the forest department.

The facts as narrated in the writ petition and from perusal of the record, it appears that respondent nos. 3 to 6 were initially appointed in the forest department as Assistant Clerks and later on, they were promoted to the post of Senior Clerk in the forest department. They were sent on deputation to Jalagam. After joining in the Jalagam Department by the respondent nos. 3 to 6 on deputation, the posts of Senior Clerks fell vacant and the petitioners, who were working as Junior Clerks, were promoted on the vacant post of Senior Clerks.

Respondent nos. 3 to 6 after completing the deputation period were repatriated to their parent department and, consequently, they joined on the post of Senior Clerks in the forest department from where they were sent on deputation with the result the petitioners were reverted back to the post of Junior Assistant, I do not find any illegality in the impugned order.

Learned counsel for the petitioner has submitted that the posts of Senior Clerks are vacant in the department and the petitioners are eligible to be promoted on the post of Senior Clerks.

In these circumstances, if the post of Senior Clerks are vacant in the department and petitioners are eligible to be promoted, the department may consider the promotion of petitioners in accordance with law as and when the promotions are made on the post of Senior Clerks.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of.

**(M.M. Ghildiyal, J.)**

**13.06.2007**  
**VKS**